

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JERRY TONY ORTIZ,**

**Plaintiff,**

**v.**

**No. 13-cv-0786 SWS/SMV**

**NIETO ENTERPRISES, LLC;  
RICHARD M. NIETO; and  
CAROLINA CABRALES-NIETO;**

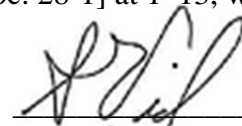
**Defendants.**

**ORDER GRANTING DEFENDANTS' MOTION FOR  
LEAVE TO FILE AN AMENDED ANSWER AND COUNTERCLAIM  
AND TO ADD A PARTY DEFENDANT TO THE COUNTERCLAIM**

THIS MATTER is before the Court on Defendants' Motion for Leave to File an Amended Answer and Counterclaim, and to add a Party Defendant to the Counterclaim [Doc. 28], filed on December 6, 2013. Defendants indicated in their motion that Plaintiff opposed it. *Id.* at 1. However, Plaintiff has filed no response in opposition, and the time for doing so has passed. Pursuant to D.N.M.LR-Civ. 7.1(b), Plaintiff's failure to timely respond constitutes his consent to grant the motion. Accordingly, the motion will be granted.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Defendants' Motion for Leave to File an Amended Answer and Counterclaim, and to add a Party Defendant to the Counterclaim [Doc. 28] is **GRANTED**. Defendants may file their First Amended Answer, Affirmative Defenses to Complaint, and Counterclaim, [Doc. 28-1] at 1–13, within ten days.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**